(1) (4)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

W.P. No. 814/2002

PETITIONER : Sadram Patel
S/o Shri Salok Ram Patel,
Aged about 37 years
R/o Village Rimzi Post Kelenda,
Teh. Saraipaly Distt. Mahasamund (C.G.)

P.R. No. 814/2
Presented by Shri P.S. Patel
dated 13-8-02

VERSUS

RESPONDENTS :

1. Government of Chhattisgarh,
Through Secretary
of Panchayat and Gramin
Vikash D.K. Bhawan Raipur (C.G.)

2. The Collector, Mahasamund
Distt Mahasamund (C.G.)

3. Chief Executive Officer Janpad
Panchayat Saraipali.

4. The S.D.O. Saraipali
Distt. Mahasamund (C.G.)

5. Sahas Dev Patel S/o S.L. Patel,
Aged about 30 years
R/o Dongaripali Tehsil Saraipali
Distt. Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

XI-HC-22

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.814/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13-09-2002

Shri Manoj Paranjape, counsel for the petitoner.

Shri Sanjay Kumar Agrawal, Deputy Advocate General for the State.

Heard.

In view of the limited nature of the prayer made at the time of hearing on the question of admission, which is for a direction to respondent No.4 to consider the representation regarding handing over of the charge, copy whereof is annexure P – 8, no useful purpose will be served in keeping this writ petition pending and the same is being disposed of at the admission stage.

Admittedly, the petitioner was elected as Sarpanch of Gram Panchayat Rimzi, Tehsil Saraipali, District Mahasamund. However, because of pendency of a criminal case registered on the basis of Crime No.11/2001, charge of office of the Sarpanch was not handed over to him. Aggrieved therewith, the petitioner submitted a representation to the Collector, Mahasamund as well as Chief Executive Officer, Janpad Panchayat Saraipali for handing over the charge, copy of the said application/annexure is P – 7 dated 14-02-2001, but no action having been taken thereon, the petitioner is before this Court.

XI-HC-22

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 814/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Inviting the attention of the Court to the provisions contained in Section 36 of the Panchayat Raj Adhiniyam, 1993, it is stated by the learned counsel for the petitioner that the authorities were not justified in not handing over charge of the office to him. That, however is not a matter for consideration at this stage because of his representation is still pending before the Authorities. Under the circumstances, this petition is disposed of by directing the respondent No.3, who according to the learned counsel for the petitioner is the concerned authority, to dispose of the petitioner's representation within a period of 15 days from the date of communication/receipt of the order. It is made clear that the Court is neither expressing any opinion on the merits of the petitioners representation nor his entitlement to his claim for assuming charge of the Office of Sarpanch and this direction is not to be construed as any expression on the merits of the petitioner's representation. In other words, the authorities will dispose of the representation on its own merits and in accordance with law.

With the aforesaid observations and directions, the writ petition stands disposed of.

Sd/-
P.C NAIK
Judge

Murthy